

**SUPREME COURT MINUTES  
FRIDAY, JANUARY 20, 2006  
SAN FRANCISCO, CALIFORNIA**

**S137047**

WELCH (EUGENE E.) ON H.C.  
Petition ordered withdrawn

Pursuant to written request of petitioner the  
above-entitled petition for writ of habeas corpus  
is ordered withdrawn.

**S139008**

B179638 Second Appellate District,  
Division Five

PEOPLE v. GERMANY

Time extended to grant or deny review

to February 27, 2006.

**S139081**

H027362 Sixth Appellate District

PEOPLE v. RODRIGUEZ

Time extended to grant or deny review

to March 1, 2006.

**S139082**

B177713 Second Appellate District,  
Division Four

PEOPLE v. MENA

Time extended to grant or deny review

to February 24, 2006.

**S139146**

F045958 Fifth Appellate District

PEOPLE v. FERNANDEZ

Time extended to grant or deny review

to February 27, 2006.

**S139147**

B167804 Second Appellate District,  
Division Four

PEOPLE v. SALINAS

Time extended to grant or deny review

to February 24, 2006.

**S139151**

B176354 Second Appellate District,  
Division Three

PEOPLE v. RODRIGUEZ

Time extended to grant or deny review

to February 24, 2006.

**S139158**

F044183 Fifth Appellate District

## PEOPLE v. SALOMON

Time extended to grant or deny review

to February 27, 2006.

**S139168**

C047621 Third Appellate District

## PEOPLE v. SAMPLE

Time extended to grant or deny review

to February 27, 2006.

**S139171**

H027976 Sixth Appellate District

## FIRESIDE BANK v. S.C. (GONZALEZ)

Time extended to grant or deny review

to February 27, 2006.

**S139224**G033730 Fourth Appellate District,  
Division Three

## PEOPLE v. MURRAY

Time extended to grant or deny review

to February 27, 2006.

**S139237**

C048162 Third Appellate District

STOCKTON, CITY OF v. S.C. (CIVIC PARTNERS  
STOCKTON)

Time extended to grant or deny review

to February 27, 2006.

**S139244**A106895 First Appellate District,  
Division Four

## PEOPLE v. DAVIAU

Time extended to grant or deny review

to February 28, 2006.

**S139253**E036678 Fourth Appellate District,  
Division Two

## PEOPLE v. NOPPE

Time extended to grant or deny review

to March 2, 2006.

**S139254**A109101 First Appellate District,  
Division Five

## COBB v. OCONNELL

Time extended to grant or deny review

to March 1, 2006.

**S139256**

C045289 Third Appellate District

## PEOPLE v. JORDAN

Time extended to grant or deny review

to March 1, 2006.

**S139279**B187314 Second Appellate District,  
Division Seven

## MORTON (RON) ON H.C.

Time extended to grant or deny review

to March 1, 2006.

**S139309**B185949 Second Appellate District,  
Division Two

## MIRANDA (ALFREDO) ON H.C.

Time extended to grant or deny review

to March 2, 2006.

**S139311**

H027004 Sixth Appellate District

## PEOPLE v. MCDONOUGH

Time extended to grant or deny review

to March 2, 2006.

**S139344**G033899 Fourth Appellate District,  
Division Three

## PEOPLE v. NGUYEN

Time extended to grant or deny review

to March 1, 2006.

**S139359**

H027536 Sixth Appellate District

## PEOPLE v. PONCE

Time extended to grant or deny review

to March 2, 2006.

**S015384**

## PEOPLE v. LETNER &amp; TOBIN

Extension of time granted

to March 27, 2006, to file appellant Tobin's reply brief. After that date, only one further extension totaling about 35 additional days will be granted. Extension is granted based upon Senior Deputy State based upon Senior Deputy State Public Defender Alison Pease's representation that she anticipates filing that brief by May 1, 2006.

**S034072**

PEOPLE v. CURL (ROBERT ZANE)

Extension of time granted

to March 21, 2006, to file appellant's reply brief. After that date, only two further extensions totaling about 100 additional days will be granted. Extension is granted based upon counsel Musawwir Spiegel's representation that he anticipates filing that brief by July 1, 2006.

**S042660**

PEOPLE v. DEMENT (RONNIE D.)

Extension of time granted

to March 21, 2006, to file the respondent's brief. After that date, only one further extension totaling about 60 additional days is contemplated. Extension is granted based upon Deputy Attorney General Jeffrey D. Firestone's representation that he anticipates filing that brief by May 21, 2006.

**S050102**

PEOPLE v. HENSLEY (PAUL L.)

Extension of time granted

to March 20, 2006, to file appellant's opening brief. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon counsel Richard L. Rubin's representation that he anticipates filing that brief by July 2006.

**S066940**

PEOPLE v. CLARK (WILLIAM)

Extension of time granted

to March 14, 2006, to file respondent's brief. After that date, only three further extensions totaling about 180 additional days are contemplated. Extension is granted based upon Deputy Attorney General Daniel Rogers's representation that he anticipates filing that brief by September 17, 2006.

**S070686**

PEOPLE v. ROMERO (GERARDO)

Extension of time granted

to March 20, 2006, to file appellant's reply brief. After that date, only three further extensions totaling about 150 additional days will be granted. Extension is granted based upon counsel Stephen M. Lathrop's representation that he anticipates filing that brief by August 16, 2006.

**S078404**

PEOPLE v. BRADY (ROGER H.)

Extension of time granted

to February 14, 2006, to file appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon counsel Susan K. Marr's representation that she anticipates filing that brief by February 13, 2006.

**S080054**

PEOPLE v. LINTON (DANIEL A.)

Extension of time granted

to March 20, 2006, to file appellant's opening brief.

**S080477**

PEOPLE v. BANKS (KELVYN)

Extension of time granted

to April 3, 2006, to file appellant's opening brief. The court anticipates that after that date, only ten further extensions totaling about 600 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S124660**

RENO ON H.C.

Extension of time granted

to February 21, 2006, to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon counsel Peter Giannini's representation that he anticipates filing that document by February 20, 2006.

**S129852**

B166937 Fifth Appellate District

PEOPLE v. GILES

Extension of time granted

on application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to and including February 17, 2006.

**S133439**

BURNEY (SHAUN) ON H.C.

Extension of time granted

to March 1, 2006, to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only five further extensions totaling about 320 additional days will be granted. Extension is granted based upon counsel Geraldine S. Russell's representation that she anticipates filing that document by December 22, 2006.

**S136327**

JURADO (ROBERT J.) ON H.C.

Extension of time granted

to March 16, 2006, to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 140 additional days will be granted. Extension is granted based upon Deputy Attorney General Marvin E. Mizell's representation that he anticipates filing that document by August 7, 2006.

**S136487**DEMETRULIAS (GREGORY) ON H.C.  
Extension of time granted

to March 27, 2006, to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Teresa Torreblanca's representation that she anticipates filing that document by April 25, 2006.

**S136672**DE PRIEST (TIMOTHY LEE) ON H.C.  
Extension of time granted

to March 20, 2006, to file the informal response to the petition for writ of habeas corpus. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General Quisteen S. Shum's representation that she anticipates filing that document by March 20, 2006.

**S137392**TULK (JAMES) ON H.C.  
Extension of time granted

to March 30, 2006, to file the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension of time is granted based upon Deputy Attorney General Sean M. McCoy's representation that he anticipates filing that document by March 30, 2006.

**S121552**B161773 Second Appellate District  
Division SixMARTINEZ v. COMBS  
Order filed

on application of appellants for permission to file opening brief on the merits containing 29,700 words, that exceeds the 14,000 word limit prescribed by California Rules of Court rule 29.1(c)(1) by 15,700 words is hereby granted.

**S138895**G036256 Fourth Appellate District,  
Division ThreeMILES (GUY DONELL) ON H.C.  
Order filed

on the application of respondent for an extension of time to serve and file the answer to the petition for review is hereby denied.

**S138781**DELL'OSSO ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **MICHAEL DELL'OSSO, State Bar No. 103439**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for six months. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 16, 2005, as modified by its order filed on September 14, 2005. Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2007 and 2008 in accordance with Business and Professions Code § 6086.10.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)



**S138788****HROUDA ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **THOMAS G. HROUDA, State Bar No. 193984**, be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days and until he makes restitution to Richard Maier in the amount of \$1,023 plus 10 percent interest per annum from October 1, 2004; and until he makes restitution to Margie Hernandez in the amount of \$1,550 plus 10 percent interest per annum from April 25, 2003; and until he makes restitution to Enrique Cruz in the amount of \$1,550 plus 10 percent interest per annum from April 25, 2003; (or to the Client Security Fund, if appropriate) and furnishes satisfactory proof thereof to the State Bar Office of Probation. Respondent is also ordered to other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed August 31, 2005, as modified by its order filed September 29, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (*See Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code § 6086.10 and payable in equal installments for membership years 2007, 2008, and 2009.

**S138795****ROBINSON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DAVID M. ROBINSON, State Bar No. 175913**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 5, 2005. It is further ordered that he take and pass the Multistate Professional

Responsibility Examination within one year after the effective date of this order. (*See Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2007, 2008, and 2009. (Bus. & Prof. Code, § 6086.10.)

**S138796**

**MONTPAS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **MARK EMIL MONTPAS, State Bar No. 93365**, be suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. **Mark Emil Montpas** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 29, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (*See Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2007, 2008, and 2009. (Bus. & Prof. Code § 6086.10.)

S138823

## UPHOLT ON DISCIPLINE

Recommended discipline imposed

It is ordered that **THOMAS LEIGH UPHOLT, State Bar No. 67868**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. **Thomas Leigh Upholt** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed September 28, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (*See Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.

S138825

## CALLOWAY ON DISCIPLINE

Recommended discipline imposed

It is ordered that **BRYANT K. CALLOWAY, State Bar No. 140431**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 22, 2005, as modified by its order filed October 19, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (*See Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2007 and 2008. (Bus. & Prof. Code, § 6086.10.)

S138832

## ACOSTA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **FEDERICO ACOSTA, State Bar No. 158635**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 7, 2005, as modified by its order filed September 29, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (*See Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code § 6086.10 and payable in equal installments for membership years 2007 and 2008.

S140143

## CASEY ON RESIGNATION

Resignation accepted with discipline proceeding pending

Due to an error by the State Bar, the order filed January 11, 2006, in the captioned matter is vacated. The voluntary resignation of **JOHN CHITTENDEN CASEY, State Bar No. 63949**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

**S140372**

KOCH ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **WILLIAM HAROLD KOCH, State Bar No. 194927**, as a member of the State Bar of California is accepted.

**S140373**

KOSKINEN ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **JOHN ANDREW KOSKINEN, State Bar No. 36680**, as a member of the State Bar of California is accepted.

**S140374**

LEVER ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **STANLEY ALVIN LEVER, State Bar No. 61874**, as a member of the State Bar of California is accepted.

**S140375**

LOFTON ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **JAMES LESTER LOFTON, State Bar No. 114428**, as a member of the State Bar of California is accepted.

**S140376**

LUCARELLI ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **DENNIS MICHAEL LUCARELLI, State Bar No. 87144**, as a member of the State Bar of California is accepted.

**S140377**

LUM ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **ARNOLD LEIGHTON LUM, State Bar No. 73404**, as a member of the State Bar of California is accepted.

**S140378**

MACDONALD ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **BRUCE J. MACDONALD, State Bar No. 43847**, as a member of the State Bar of California is accepted.

**S140457**

ANSHIN ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **JUDITH TRIGUEROS ANSHIN , State Bar No. 91033**, as a member of the State Bar of California is accepted.

**S140458**

BAYNHAM ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **ROBERT J. BAYNHAM, State Bar No. 37090**, as a member of the State Bar of California is accepted.

**S140459**

BELL ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **STEWART LYNN BELL, State Bar No. 47449**, as a member of the State Bar of California is accepted.

**S140460**

**BONEBAKKER ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **ERNO ROBERT BONEBAKKER, State Bar No. 56581**, as a member of the State Bar of California is accepted.

**S140462**

**BRAKENSIEK ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **WARREN NILES BRAKENSIEK, State Bar No. 50175**, as a member of the State Bar of California is accepted.

**S140463**

**CASE ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **DOUGLAS MANNING CASE, State Bar No. 93610**, as a member of the State Bar of California is accepted.

**S140464**

**CASTLEBERRY ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **ROBERT WILLIAM CASTLEBERRY, State Bar No. 54905**, as a member of the State Bar of California is accepted.

**S140465**

**CHURCH ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **ROBERT RAY CHURCH, State Bar No. 102182**, as a member of the State Bar of California is accepted.

**S140467**

CLARK ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **VIRGINIA L. CLARK, State Bar No. 152264**, as a member of the State Bar of California is accepted.

**S140468**

CLIFFORD ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **GEORGE BICKNELL CLIFFORD, State Bar No. 56743**, as a member of the State Bar of California is accepted.

**S140471**

COCKLE ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **THOMAS CHARLES COCKLE, State Bar No. 44979**, as a member of the State Bar of California is accepted.

**S140472**

COLLIER ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **ARTHUR BRENT COLLIER, State Bar No. 38030**, as a member of the State Bar of California is accepted.

**S140473**

COOMBS ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **MARY IRENE COOMBS, State Bar No. 89165**, as a member of the State Bar of California is accepted.

**S140475**

DIEFENDERFER ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **MARK D. DIEFENDERFER, State Bar No. 212852**, as a member of the State Bar of California is accepted.



**S140479**

**FLIEHMAN ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **DENNIS WAYNE FLIEHMAN, State Bar No. 81895**, as a member of the State Bar of California is accepted.

**S140480**

**GEARIN-GUSTAITIS ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **MARY D. GEARIN-GUSTAITIS, State Bar No. 115653**, as a member of the State Bar of California is accepted.

**S140481**

**GEHLBACH ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **ROBERT CHARLES GEHLBACH, State Bar No. 112870**, as a member of the State Bar of California is accepted.

**S140482**

**GOERL ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **CONRAD H. GOERL, State Bar No. 23300**, as a member of the State Bar of California is accepted.

**S140483**

**JARBOE ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **HILMER ULA JARBOE, JR., State Bar No. 147807**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in

subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

**S140486**

**MAU ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **KURT G. MAU, State Bar No. 219199**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

**S140487**

**DAHLZ ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **JUSTIN R. DAHLZ, State Bar No. 139783**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

**4186**

IN THE MATTER OF THE APPLICATION OF THE  
COMMITTEE OF BAR EXAMINERS OF THE  
STATE OF CALIFORNIA FOR ADMISSION OF  
ATTORNEYS

The written motion of the Committee of Bar  
Examiners that the following named applicants,  
who have fulfilled the requirements for  
admission to practice law in the State of  
California, be admitted to the practice of law in  
this state is hereby granted, with permission to  
the applicants to take the oath before a  
competent officer at another time and place:

(LIST OF NAMES ATTACHED TO  
ORIGINAL ORDER)